

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

\*

**VS.**

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**Criminal H 17-65**

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**ANDREW CRAIG SUSTAITA**

\*

**Judge Sim Lake**

**DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE  
AND REQUEST FOR SETTING FOR CHANGE OF PLEA / REARRAIGNMENT**

Defendant Andrew Craig Sustaita, Defendant, requests the Court to continue this case and to set the case for a change of plea / rearraignment and would show the Court the following:

1. This case is currently set for a pre-trial conference on Feb. 2, 2018 and for trial on Feb. 5, 2018.
2. Counsel for Defendant will be unable to attend the pre-trial conference on Feb. 2, 2018, as he is due to appear before Judge Sam Sparks in the Western District of Texas for a sentencing hearing in case number 1:16-CR-347.
3. Defendant and the Government are in agreement that the pre-trial hearing and trial settings are not necessary because the case will be resolved by a plea.
4. Defendant and the Government are requesting the case be reset for a change in plea rearraignment.
5. Defendant and the Government need at least three weeks to finalize the details of the plea. Counsel for Defendant would additionally request not to schedule this setting on March 2, 2018 through March 6, 2018 as he has a family vacation planned.
6. This motion is not sought for purposes of delay, but so that justice may be done.

Therefore, Defendant requests that this Court continue this matter from its current trial setting and request that the Court set the case for a change of plea / rearraignment.

Respectfully submitted,

*/s/ Nathan Hennigan*

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#### **CERTIFICATE OF CONFERENCE**

The motion is unopposed by AUSA Sherri Zack as per our phone conversation of Feb. 1, 2018.

*/s/ Nathan Hennigan*

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Nathan Hennigan

#### **CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing motion has been forwarded to all counsel of record by the SDTX ECF system on this 1<sup>st</sup> Day of Feb. 2018.

*/s/ Nathan Hennigan*

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Nathan Hennigan